

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR and
GARY ALAN TANAKA,

Defendants.

No. 05 Crim. 621 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge:

Defendants Alberto William Vilar and Gary Alan Tanaka each seek a modification of their bail conditions in order to permit them to travel to London, England for one week. Defendants assert that the purpose of the proposed travel is "to review certain documents that are located in London and may be relevant" to their respective defenses; the documents at issue are "purportedly associated with an Amerindo affiliate." (Tanaka's Feb. 13, 2008 Ltr. at 1; *see* Vilar's March 3, 2008 Ltr at 1.) Defendant Tanaka identifies an additional purpose of the trip: to visit with his wife and son, who reside in London. (Tanaka's Feb. 13, 2008 Ltr. at 1.) The Government opposes defendants' applications, but fails to offer any specific basis for its objections.¹

Having reviewed the parties' submissions and following extensive consultation with Pretrial Services Officer Leo Barrios, IT IS HEREBY ORDERED that Defendants' respective applications to modify their bail conditions are GRANTED, subject to the following directives:

¹ Specifically, the Government objects "for the reasons previously set forth in its extensive briefing with respect to prior bail modification." (Gov't's Feb. 14, 2008 Ltr. at 2.) However, the Government fails to explain the basis for its objection to the specific course of travel proposed by defendants at this time, nor does the Government suggest any alternative measures that would enable Defendants to review the documents at issue in a cost-effective manner *without* traveling abroad.

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1. Defendants shall provide the specific dates of travel for the Court's approval. Defendants shall make all reasonable efforts to complete their respective trips within sixty days of the date of this Order.
2. Defendants shall provide a detailed travel itinerary to Pretrial Services, including flight information, the locations in London where they will reside during the trip, and telephone numbers where Pretrial Services will be able to reach Defendants in London.
3. Defendants shall provide the specific dates, times, and location(s) of Defendants' review of the documents in London.²
4. Defendants shall submit documentation concerning their purported arrangements with Vantis to ship the documents to London and to monitor Defendants as they review the documents.
5. During Defendants' stay in London, Defendants shall report to Pretrial Services by telephone twice each day, at 8:00 a.m. and 4:00 p.m., Eastern Standard Time (or, 12:00 p.m. and 8:00 p.m., Greenwich Mean Time).
6. Defendants shall submit, at their own expense, to electric monitoring for the duration of their stay in London. Defendants shall consult Pretrial Services in this District to arrange for electronic monitoring in London, and then report the details of such arrangements to the Court for its approval.
7. The Government shall return Defendants' passports to them for the limited purpose of completing the travel described herein. Upon Defendants' return to the United

² Defendant Tanaka has previously identified the location where he expects to view the documents. Defendant Tanaka should confirm that information in his forthcoming submission. Defendant Vilar has not previously provided this information to the Court.

States, they shall immediately surrender their passports to the Government or Pretrial Services.

8. All other existing bail conditions shall remain unchanged and in effect except to the extent that they are inconsistent with the modifications set forth herein.

The above-recited modifications shall *not* take effect unless and until each of the suretors and/or co-signers of bonds for Defendants submits an affidavit advising the Court that (1) the suretor and/or co-signer is aware of the bail modifications set forth herein, (2) that he or she has no objection to these changes, and (3) that he or she is willing to continue to provide security and/or to remain a co-signer of a bond as to the defendant at issue and in light of the modifications set forth herein.

SO ORDERED.

Dated: New York, New York
March ~~12~~ 2008



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE